

Senate Bill No. 599

Passed the Senate September 9, 1999

Secretary of the Senate

Passed the Assembly September 3, 1999

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 1999, at _____ o'clock ____M.

Private Secretary of the Governor

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CHAPTER _____

An act to amend Sections 912 and 912.5 of the Welfare and Institutions Code, relating to youthful offenders.

LEGISLATIVE COUNSEL'S DIGEST

SB 599, Costa. Youth Authority: costs.

Existing law requires each county to pay the state for each person committed to the Department of the Youth Authority on or after January 1, 1997, pursuant to a scale with regard to the offense on which the commitment is based, and requires the department to submit a claim to the county periodically for those costs. Existing law provides that “the offense on which the commitment is based” means any offense that has been sustained by the juvenile court and that is included in the determination of the maximum term of imprisonment by the juvenile court, as specified.

This bill would require the department’s claim to include a notice regarding the department’s right to collect those costs retroactively in specified circumstances. The bill would also provide that “the offense on which the commitment is based” means the most serious offense prior to parole consideration, as specified, that has been sustained by the juvenile court and that is included in the determination of the maximum term of imprisonment by the juvenile court.

The people of the State of California do enact as follows:

SECTION 1. Section 912 of the Welfare and Institutions Code is amended to read:

912. (a) Effective January 1, 1997, for each person committed to the Department of the Youth Authority, the county from which he or she is committed shall pay the state one hundred fifty dollars (\$150) per month for the time that person remains in any institution under the direct supervision of the Department of the Youth Authority, or in any institution, boarding home, foster



home, or other private or public institution in which he or she is placed by the Department of the Youth Authority, on parole or otherwise, and cared for and supported at the expense of the Department of the Youth Authority. This section applies to any person committed to the Department of the Youth Authority by a juvenile court, including persons committed to the Department of the Youth Authority prior to January 1, 1997, who on or after January 1, 1997, remain in or return to the facilities described in this section.

(b) The Department of the Youth Authority shall present to the county, not more frequently than monthly, a claim for the amount due the state under this section, which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code. The claim described in this subdivision shall contain the following notice:

“NOTICE: This claim does not include any “sliding scale” fees due pursuant to Section 912.5 of the Welfare and Institutions Code if the minor to whom this claim applies has not been classified as of the date of this claim. Once the minor has been classified, the county may be billed retroactively for any “sliding scale” fees that may be due commencing as of the date the department received custody of the minor.”

SEC. 2. Section 912.5 of the Welfare and Institutions Code is amended to read:

912.5. (a) For each person committed to the Department of the Youth Authority by a juvenile court on or after January 1, 1997, the county from which he or she is committed shall pay the state the following rate:

(1) If the offense on which the commitment is based is listed in Section 4955 of Title 15 of the California Code of Regulations, the rate is 50 percent of the per capita institutional cost of the Department of the Youth Authority.



(2) If the offense on which the commitment is based is listed in Section 4956 of Title 15 of the California Code of Regulations, the rate is 75 percent of the per capita institutional cost of the Department of the Youth Authority.

(3) If the offense on which the commitment is based is listed in Section 4957 of Title 15 of the California Code of Regulations, the rate is 100 percent of the per capita institutional cost of the Department of the Youth Authority.

(b) For purposes of this section, “the offense on which the commitment is based” means the most serious offense as determined pursuant to regulations promulgated by the Youthful Offender Parole Board prior to parole consideration pursuant to Sections 4955 to 4957, inclusive, of Title 15 of the California Code of Regulations that has been sustained by the juvenile court and that is included in the determination of the maximum term of imprisonment by the juvenile court pursuant to Section 731.

(c) For purposes of this section, the charge against the county shall not apply to periods of confinement that are solely pursuant to a revocation of parole by the Youthful Offender Parole Board.

(d) The charge against the county prescribed by this section shall be in lieu of the charge prescribed by Section 912 and not in addition to that charge.

(e) The Department of the Youth Authority shall present to the county, not more frequently than monthly, a claim for the amount due the state under this section, which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

(f) The Department of the Youth Authority shall adopt emergency regulations for implementation of this section.



Approved _____, 1999

Governor

